

## REMARKS

Claims 1 and 21-28 are pending. Claims 1 and 25-28 have been amended based on the recommendations of the Examiner and for clarity. Support for the amended claims is found in the claims as originally filed. Because the foregoing changes introduce no new matter, their entry is respectfully requested.

### **Claim Rejection - 35 USC §112, Second Paragraph**

Claims 1 and (and claims 21-28 which depend therefrom) stand rejected under 35 USC §112, second paragraph, as being indefinite.

Applicant has amended claims 1, 25-28 in compliance with the Examiner's recommendations.

Applicant has amended claim 1 for clarity to recite a salvage receptor binding epitope that is taken from at least one loop of the CH<sub>2</sub> domain of an Fc region of an Ig molecule. Accordingly, the salvage receptor binding epitope combinations of SEQ ID NO: 3 and SEQ ID NOs: 11, 1 or 31 may be taken from more than one loop of the CH<sub>2</sub> domain. Applicant therefore requests withdrawal of the outstanding rejection.

### **Claim Rejection - Nonstatutory Double Patenting**

The Examiner maintains that claims 1 and 22-28 of the present application are rejected under the judicially created doctrine of obviousness-type double-patenting as unpatentable over claims 1-3, 5-12 and 14 of U.S. Patent No: 6,096,871. Applicant notes that claims 1 and 22-28 of the present application are directed to nucleic acids, while claims 1-3, 5-12 and 14 of U.S. Patent No: 6,096,871 are directed to polypeptides. Accordingly, the subject matter claimed in

the present application is distinct from the subject matter claimed in Patent No: 6,096,871.

Without admitting the necessity of a Terminal Disclaimer, Applicant will postpone consideration of the filing of a terminal disclaimer until notification that the remaining grounds of rejection are withdrawn.

If upon review, the Examiner feels there are additional outstanding issues, the Examiner is invited to direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,

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